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25 *Counsel for Defendant Google LLC*

26 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

27 CHASOM BROWN, *et al.*, individually and
28 on behalf of themselves and all others
similarly situated,

29 Plaintiffs,

30 v.

31 GOOGLE LLC,

32 Defendant.

33 Case No. 4:20-cv-03664-YGR-SVK

34 **DECLARATION OF JOSEPH H.**
MARGOLIES IN SUPPORT OF
PLAINTIFFS' ADMINISTRATIVE
MOTION TO CONSIDER WHETHER
GOOGLE'S MATERIAL SHOULD BE
SEALED (DKT. 1067)

35 Judge: Hon. Yvonne Gonzalez Rogers

1 I, Joseph H. Margolies, declare as follows:

2 1. I am an attorney with Quinn Emanuel Urquhart & Sullivan, LLP, attorneys for
 3 Defendant Google LLC (“Google”) in this action. I am making this declaration pursuant to Civil
 4 Local Rule 79-5(e)–(f) as an attorney for Google as the Designating Party, pursuant to Civil Local
 5 Rule 79-5(f)(3) in response to Dkt. 1067.

6 2. On November 28, 2023, Plaintiffs filed their Administrative Motion to Consider
 7 Whether Google’s Material Should be Sealed regarding Plaintiffs’ Opposition to Google’s Motion
 8 to Bifurcate Punitive Damages Amount. (Dkt. 1068) (“Opposition”). On November 28, 2023, I
 9 received unredacted service copies of the document sought to be sealed.

10 3. I have reviewed the documents that Plaintiffs seek to file under seal pursuant to Civil
 11 Local Rule 79-5(f). Based on my review, there are compelling reasons (and, by extension, good
 12 cause) to seal the following:¹

14 Document(s) to be Sealed	15 Basis for Sealing
15 Exhibit 1 to Wright Declaration GOOG-BRWN-00475063	16 The information requested to be sealed contains Google’s 17 highly confidential and proprietary information regarding 18 highly sensitive features of Google’s internal systems and 19 operations, including Google’s internal project names, 20 functionalities, and proposed projects, that Google 21 maintains as confidential in the ordinary course of its 22 business and is not generally known to the public or 23 Google’s competitors. Such confidential and proprietary 24 information reveals Google’s internal strategies, system 25 designs, and business practices for operating and 26 maintaining many of its important services, and falls within 27 the protected scope of the Protective Order entered in this 28 action. See Dkt. 81 at 2–3. Public disclosure of such
12 Portions highlighted in yellow at 13 pages -5063–5064, -5066	14
11 Google joins Plaintiffs’ motion to 12 seal in PART with respect to this 13 document.	15

23 ¹ In the Ninth Circuit, materials filed in connection with dispositive motions may be sealed in
 24 the Ninth Circuit upon a showing that there are “compelling reasons” to seal the information. *See Kamakana v. City & Cty. Of Honolulu*, 447 F.3d 1172, 1179–80 (9th Cir. 2006). Sealing materials
 25 in connection with non-dispositive motions (as here) requires only a showing of “good cause.” *Id.*
 26 at 1179–80. Under the “good cause” standard, courts routinely seal statements reporting on a
 27 company’s users, sales, investments, or other information that is ordinarily kept secret for
 28 competitive purposes. *See Hanginout, Inc. v. Google, Inc.*, 2014 WL 1234499, at *1 (S.D. Cal. Mar.
 24, 2014); *Nitride Semiconductors Co. v. RayVio Corp.*, 2018 WL 10701873, at *1 (N.D. Cal. Aug.
 1, 2018) (granting motion to seal “[c]onfidential and proprietary information regarding [Defendant]’s products” under “good cause” standard).

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6	confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.
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4. Google's request is narrowly tailored in order to protect its confidential information. These redactions are limited in scope and volume. Because the proposed redactions are narrowly tailored and limited to portions containing Google's highly confidential or confidential information, Google requests that the portions of the aforementioned documents be redacted from any public version of those documents.

5. Google does not seek to redact or file under seal any portions of the Opposition not indicated in the table above.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct. Executed in Bayside, Wisconsin on December 5, 2023.

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17 By /s/ Joseph H. Margolies
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